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GENERAL ASSEMBLY
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Agenda items 69 and 125
PROTECTION AND SECURITY OF SMALL STATES
MEASURES TO PREVENT INTERNATIONAL TERRORISM
WHICH ENDANGERS OR TAKES INNOCENT HUMAN
LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS
AND STUDY OF THE UNDERLYING CAUSES OF THOSE
FORMS OF TERRORISM AND ACTS OF VIOLENCE
WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE
AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO
SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN,
IN AN ATTEMPT TO EFFECT RADICAL CHANGES
(a) REPORT OF THE SECRETARY-GENERAL
(b) CONVENING, UNDER THE AUSPICES OF THE
UNITED NATIONS, OF AN INTERNATIONAL
CONFERENCE TO DEFINE TERRORISM AND TO
DIFFERENTIATE IT FROM THE STRUGGLE OF
PEOPLES FOR NATIONAL LIBERATION

SECURITY COUNCIL
Forty-seventh year

Letter dated 8 January 1992 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a letter addressed to you by Mr. Ibrahim M. Bishari, Secretary of the People's Committee of the People's Bureau for Foreign Liaison and International Cooperation.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 69 and 125, and of the Security Council.

(Signed) Ali Ahmed ELHOUDEIRI
Permanent Representative

ANNEX

The People's Committee of the People's Bureau for Foreign Liaison and International Cooperation has taken note of the statements issued on 20 December 1991 and circulated as documents of the General Assembly and the Security Council at the request of the permanent representatives of France, the United Kingdom and the United States of America. Having studied these statements, it is evident to us that they are merely a repetition of the allegations and accusations made against my country that we have already denied categorically and with regard to which we have repeatedly urged that any material and tangible evidence that might confirm them should be produced. In this context, my country would like to reaffirm its condemnation of terrorism in all its forms, inasmuch as it has been its prime victim. Perhaps the international community still recalls the deliberate downing of a Libyan civil aircraft over Sinai in 1973. Perhaps it also still recalls the United States military attack on peaceable Libyan cities in 1986, in which there were hundreds of innocent civilian victims, on the pretext that Libya was responsible for the bombing of a Berlin nightclub. It was subsequently made public that Libya was innocent of any involvement in that incident, but the United States expressed no regret and did not provide the compensation endorsed by the General Assembly of the United Nations and by other international and regional organizations.

It is our fear that this campaign to mar my country's good repute and deceive world public opinion is merely a preliminary to renewed aggression against Libya. If it is merely a matter of inquiring into the two incidents in which the United States and French passenger aircraft were drowned, then my country has already expressed its readiness to cooperate with the parties concerned. It entrusted two judges with the task of conducting an inquiry and gathering information, and they have already embarked on that inquiry. With regard to those against whom charges have been made, they have taken all the measures that accord with the Libyan Code of Criminal Procedure promulgated in 1953, including contact with the competent judicial authorities in the three countries in question, which have, however, refused to respond to the judges' request. If, on the other hand, it is simply a question of a difference of legal opinion regarding the authority that has jurisdiction in the inquiry, then we do not believe that the language of threats and menaces that has been used by the three countries in their statements is called for. International law on the question is clear and explicit, and it shows that the Libyan judicial authorities are those that have jurisdiction, and this involves no great difficulty.

Despite the foregoing, aware as we are of the international dimensions and ramifications of the incidents invoked and of the large number of countries that are concerned parties and despite the fact that we are fully persuaded of the impartiality and fairness of the administration of justice in

Libya, we have nevertheless, in a desire to convince the other parties of our good faith, offered our acceptance in principle of a fair and impartial international inquiry into the matter or of recourse to the International Court of Justice, the major judicial instrument of the United Nations, for a decision on the question of conflicting jurisdictions. It is a source of regret that the three countries have rejected all of these offers. When they came together on the position they have adopted, they resorted to politicizing the issue by submitting it to the Security Council. We, however, affirm that submission of the matter to the Security Council has no basis either in the Charter of the United Nations or in international law, which does not stipulate that the Security Council has the power to consider judicial cases involving individuals.

If it is a matter of political differences between the three countries and Libya, then the differences must be discussed on the basis of the Charter of the United Nations, which does not endorse aggression or the threat of aggression but rather calls for the resolution of differences by peaceful means. Libya has expressed its readiness to pursue any peaceful means that the three countries may desire for the resolution of existing differences. We should like, through you, to offer the following:

1. To enter into dialogue with the three countries, either directly or through the United Nations, with a view to resolving any political dispute between us and the parties concerned.

2. To invite the parties, if it is maintained that a legal conflict exists, to reach agreement on its resolution through international judicial authorities, including the International Court of Justice and in accordance with its Statute.

3. To urge the three countries to provide the Libyan judges entrusted with the investigation into these two regrettable incidents with an official copy of the records of the investigation, concerning which they have already submitted requests to the authorities concerned in those countries.

My country is a victim of international terrorism and of terrorist groups, since the United States is training and arming terrorists for the purpose of murdering innocent civilians. It is maintaining terrorist camps and compelling Libyan army prisoners to work against their people and, from practitioners of an honourable military calling, it is converting them into terrorists.

Libya has affirmed and now reaffirms a position of principle that is fully committed to the provisions of the Charter of the United Nations relating to the settlement of disputes between States. Libya has expressed its complete readiness to cooperate with all parties to the present dispute for the resolution of that dispute by peaceful means, as explicitly required by Chapter VI, Article 33, of the Charter of the United Nations.

Ibrahim M. BISHARI
Secretary of the People's Committee of the
People's Bureau for Foreign Liaison and
International Cooperation